



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,562	08/20/2001	David H. Parker	17645-130	6565
33717	7590	06/04/2004	EXAMINER	
GREENBERG TRAURIG LLP 2450 COLORADO AVENUE, SUITE 400E SANTA MONICA, CA 90404			TON, ANABEL	
		ART UNIT		PAPER NUMBER
		2875		

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)	
09/933,562	PARKER ET AL.	
Examiner	Art Unit	
Anabel M Ton	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 24 March 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-9, 11-41, 43-59 and 61-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 37-39, 51, 53, 54, 59, 61 and 66-69 is/are allowed.
- 6) Claim(s) 1-9, 11, 12, 26-36, 40, 41, 43, 44, 47, 48, 52, 55, 56, 62-65 and 70-74 is/are rejected.
- 7) Claim(s) 13-25, 45, 46, 48-50, 57, 58, 74 and 75 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-9,11,12,26-36,40,41,43,44,47,48,52,55,56,62-65,70-74 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9,11,12,26-36,40,41,43,44,47,48,52,55,56,62-65,70-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hon (6,364,50) and further in view of Owens (2,387,038).

4. Hon discloses the claimed invention except for the recitation of the reflector having substantially hemispherical multiple protrusions. Hon discloses a barrel (12) the barrel being for mounting batteries such that when the batteries are in the barrel an array of several batteries (32) are in side by side relationship around a central longitudinal axis extending through the barrel a lamp (56) a switch (54) a circuit (fig 8a) the switch being for opening and closing the circuit, the circuit being between the batteries and the lamp (38), a lens (60) a cap for the barrel (62), a pistol grip handle extending transversely from the barrel(14). Owens discloses a reflector with

substantially hemispheric multiple protrusions (figs 4-7), the protrusions are arranged in rows from a base of the parabolic reflector towards the edge of the parabolic reflector. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the reflector of Owens in the device of Hon for the purpose of providing a reflector that provides an increase in uniformity of illumination in the desired direction and also having an high reflecting power (Owens, col. 1 lines 28-31). Such a combination would be purposeful for providing enhanced illumination to the device of Hon.

- The housing is a substantially cylindrical element for mounting multiple batteries in an axial relationship around the axis of the housing. (32, Hon)
- Contacts external to the housing for mounting batteries on an outside wall of the housing. (36)
- The outside wall is the base of the housing.
- A closure to the housing, the closure to the housing including means for mounting the lamp (threading, fig 4).
- The closure is mounted to close the housing in a tongue and groove manner, the closing and opening being effected by relative rotation of the closure member on one end of the housing (fig 4).
- A mounting for a switch and circuit on an outside wall of the housing (22)
- The switch includes a reed switch operable by the trigger on the handle (22)
- Batteries, and wherein the batteries are rechargeable.

- The housing includes the electrical components for the batteries, the batteries and whereby the operation of the flashlight by the switch is effected by an element mounted on the flashlight unassociated with the housing (depression by a finger to the switch).
- Wherein the batteries are located in the barrel in a manner to relatively maximize the battery power and minimize the amount of unused space in the barrel (fig 4).

***Allowable Subject Matter***

5. Claims 37-39,51,53-54,59,61,66-69 are allowed.
6. Claims 13-25,45,46,49-50,57-58,74-75 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not teach the order and size of formations on the reflector surface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anabel M Ton  
Examiner  
Art Unit 2875

AMT

*Stephen Husar*  
Stephen Husar  
Primary Examiner